

EXHIBIT V

1 UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF MASSACHUSETTS

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4 IN RE: PHARMACEUTICALS) MDL NO. 1456
 5 INDUSTRY AVERAGE WHOLESALE) Civil Action
 6 PRICE LITIGATION) 01-CV-12257-PBS

7 -----)

8 THIS DOCUMENT RELATES TO:) Judge Patti
 9 U.S. ex rel. Ven-A-Care) B. Saris
 10 of the Florida Keys, Inc.)
 11 v. Abbott Laboratories,) Magistrate
 12 Inc., et al,) Judge Marianne B.
 13 No. 06-CV-11337-PBS) Bowler

14 -----x

15 VOLUME FOUR

16 Continued Video Taped Deposition of ROBERT VITO,
 17 was taken pursuant to notice at Morgan, Lewis, 1701
 18 Market Street, Philadelphia, Pennsylvania, on.
 19 Wednesday, February 6, 2008, beginning at 9:10 a.m.,
 20 before Jeanne Christian, Court Reporter-Notary
 21 Public, and Richard Kanzinger, Jr., Video Tape
 22 Operator, there being present.

1 A. Yes.

2 Q. It looks like you compiled statistics from
3 the National Claims History File, and then you
4 collected Medicare reimbursement rates, and then
5 I guess the third source would be that you
6 analyzed wholesale prices from drug wholesalers
7 and group purchasing organizations, right?

8 A. Yes, sir.

9 Q. And is that the data that came from -- was
10 some of that data from Ven-A-Care?

11 A. I think so.

12 Q. In fact, did you receive any information
13 on wholesale prices from drug wholesalers and
14 group purchasing organizations from any other
15 entity aside from Ven-A-Care?

16 A. I'm not certain. I don't know for sure,
17 but I know we got a lot from Ven-A-Care.

18 Q. I wonder if you could turn to Abbott
19 Exhibit 89, please?

20 MR. DRAYCOTT: Have you
21 finished with 49?

22 MR. GORTNER: No.

1 THE WITNESS: Which one?

2 BY MR. GORTNER:

3 Q. 89.

4 A. Yes, sir.

5 Q. For the record, this is a document
6 premarked as Abbott -- previously marked as
7 Abbott Exhibit 89. It is Bates labeled HHD
8 013-1150 through 1154.

9 Mr. Vito, I will represent to
10 you, it came out of the working files for this
11 December 1997 report.

12 Do you recognize this
13 document?

14 A. Yes.

15 Q. And what is it?

16 A. I believe this is from our -- the first
17 thing is probably from the work paper files --

18 Q. Just so the record is clear, the first
19 thing, you mean?

20 A. Data Analysis Folder 4.

21 Q. Whose handwriting is that on the first
22 page?

1115

1 A. I believe that's Linda Ragone's.

2 Q. And then, on the second page, which is
3 Bates labeled 1152, whose handwriting is that?

4 A. That's mine.

5 Q. Could you read the note into the record?

6 A. "Cynthia, could you please make -- I don't
7 know -- this document does not -- make sure that
8 this document does not have any items with --
9 with -- that shows the Ven-A-Care. Please see
10 me." It just shows the name Ven-A-Care.

11 Q. What you are doing, again, in this note
12 is, you are informing one of your staff members
13 to remove the name Ven-A-Care?

14 A. Yes, for pricing -- for the information
15 that we got from them.

16 Q. And why are you seeking to remove the name
17 Ven-A-Care from this document?

18 A. Because I just wanted to make sure that
19 the sources that we got this from, nobody would
20 know if they had requested this.

21 Q. And why did you --

22 A. Because I believe this is proprietary

1 information that they had given to us.

2 Q. What you mean proprietary information,
3 what do you mean by that?

4 A. I think that's information -- sensitive
5 pricing information that we have obtained.

6 Q. But it is sensitive -- proprietary as to
7 whom?

8 A. I believe from the people that we got it
9 from, they gave it to us, so we wanted to make
10 sure that we would have that information, and
11 that would not be directly attributed to them.

12 Q. So you were seeking to protect Ven-A-Care
13 in this situation, right?

14 A. Yes, we do that wherever we get the
15 information from.

16 Q. Could you turn to Abbott Exhibit 90,
17 please? For the record, this is a document
18 that's been Bates labeled HHD 013-0004 to 0005.

19 Do you recognize this
20 document, Mr. Vito?

21 A. Yes.

22 Q. What is it?